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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,736	05/26/2004	Chengshing Lai	11815-US-PA	3735

31561 7590 09/19/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,736

Applicant(s)

LAI ET AL.

Examiner

Sonny TRINH

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. **Claim 4** is objected to because of the following informalities:

Claim 4 specifies that the **first** communication is a Group System for Mobile communication (GSM) while the specification in paragraph [0017] indicated that the GSM is the **second** communication system. It is assumed that the word "first" in claim 4 is changed to "second" for examining purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Miyashita (hereinafter "Miyashita"; U.S. Patent Number 6,453,172 B1).

Regarding **claim 1**, with reference to figures 1-3 and their descriptions, Miyashita discloses a method of automatically switching a communication mode of a mobile communication device from a first communication system to a second communication system (abstract, column 2 lines 20-62), said method comprising:

detecting whether said mobile communication device is located within an effective area of said first communication system (figure 3, step S12);

wherein when said mobile communication device is located within said effective area of said first communication system, said mobile communication device remain on standby in said communication mode of said first communication system (figure 3, step S13),

detecting whether said mobile communication device is located within an effective area of said second communication system when said mobile communication device is not located within said effective area of said first communication system (figure 3, step S14); and

wherein when said mobile communication device is located within said effective area of said second communication system, said mobile communication device is set on standby in a communication mode of said second communication system (figure 3, step S15) (please see columns 5-6 for further details).

Regarding **claim 2**, Miyashita further teaches that said mobile communication device set on standby in a communication mode of no communication system when said mobile communication device is not located within said effective area of said second communication system (figure 6, column 9 line 55 to column 10 line 47).

Regarding **claim 3**, Miyashita further discloses that the first communication system is a Personal Handyphone System (PHS) (column 6 lines 15-30).

Regarding **claim 4**, Miyashita further discloses that the second communication system is a Group System for Mobile communication (GSM) (column 6 lines 15-30).

Regarding **claim 5**, Miyashita further discloses wherein during said step of detecting whether said mobile communication device is located within said effective

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area of said first communication system, said mobile communication device is on standby in said communication mode of said first communication system (figure 6, column 9 line 55 to column 10 line 47, specifically steps S50, S58-S61).

Regarding **claim 6**, Miyashita further discloses that during said step of detecting whether said mobile communication device is located within said effective area of said first communication system, said mobile communication device is on standby in said communication mode of said second communication system (figure 6, column 9 line 55 to column 10 line 47).


Regarding **claim 7**, Miyashita further discloses that during said step of detecting whether said mobile communication device is located within said effective area of said first communication system, said mobile communication device is on standby in said communication mode of no communication system (figure 4, column 6 line 53 to column 8 line 9).

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

9/9/05